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10 *Attorney for Plaintiff,*  
11 RM MEDIA LTD.

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 RM MEDIA LTD.,

15 Plaintiff,

16 v.

17 ERIC TRAN; SERGIO SAVIC d/b/a  
18 YOUR PERSONAL WORKFORCE;  
19 UNIVERSAL COMMERCIAL  
20 CAPITAL; and DOES 1 through 10  
21 inclusive.

22 Defendant.

Case No. 8:18-cv-01508-CJC-JDE

**DECLARATION OF MATHEW K.  
HIGBEE IN SUPPORT OF  
REQUEST FOR ENTRY OF  
DEFAULT**

**Filed and Served Concurrently:**

1. Request For Entry of Default
2. [Proposed] Entry of Default

**DECLARATION OF MATHEW K. HIGBEE**

I, Mathew K. Higbee, declare as follows:

1. I am an attorney at law, duly admitted to practice before the Courts of the State of California and the United States District Court for the Central District of California. I am the attorney for Plaintiff RM Media Ltd. in the above captioned action.

2. I make this Declaration in support of Plaintiff's request that the Clerk enter default against Defendant Eric Tran ("Defendant"). I have personal knowledge of the following facts, and, if called as a witness, I could and would testify as follows:

3. Defendant Eric Tran resides at 14572 Monroe Street, Midway City, CA 92655. On or about September 10, 2018, Defendant Eric Tran was served with the Summons and Complaint at his residence. On or about October 5, 2018, the Court provided notice that the Clerk could not enter default because the Proof of Service did not indicate whether service was made by the Federal or State requirements. (Doc. No. 23.) Although not listed on the proof of service, on information and belief, Defendant was served pursuant to CCP 415.20(a) or 415.20(b) or FRCP 4(e)(2)(B) or FRCP 4(h)(1)(B). On or about October 12, 2018, Plaintiff's counsel's office contacted the process server to provide notice of the deficiency. On or about October 15, 2018, the process server responded stating that the form used to serve Defendant is the standard form used for Federal Services.

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1 Apart from clear error, Plaintiff is unable to distinguish the discrepancy between the  
2 Proof of Service for Defendant Universal Commercial Capital (Doc. No. 19) and  
3 Defendant Eric Tran (Doc. No. 17) since the same process server was used to serve  
4 both Defendants. Attached hereto as Exhibit A is a true and correct copy of the  
5 Proof of Service for Defendant Eric Tran (Doc. No. 17) that was filed with the court  
6 on September 13, 2018 and the e-mail exchanged between the process server and  
7 Plaintiff's counsel's office.  
8

9  
10 4. As of the date of this Declaration no answer has been filed with the  
11 Court on behalf of Defendant, Defendant has made no formal appearance, nor has  
12 Defendant otherwise defended herein.  
13

14 5. I am informed and believe that Defendant is not an infant, nor  
15 incompetent and that the Service Members Civil Relief Act of 2003 (50 U.S.C.  
16 App. § 501 et seq.) does not apply. Therefore, Plaintiff requests entry of default  
17 against the Defendant Eric Tran.  
18

19 I declare under penalty of perjury that the foregoing is true and correct under  
20 the laws of the United States of America.  
21

22 Executed this October 17, 2018, at Santa Ana, California,

23 /s/ Mathew K. Higbee  
24 Mathew K. Higbee, Esq.  
25 *Counsel for Plaintiff*  
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**CERTIFICATE OF SERVICE**

I, the undersigned, say:

I am a citizen of the United States and I am a member of the Bar of this Court. I am over the age of 18 and not a party to the within action.

My business address is 1504 Brookhollow Dr., Ste 112, Santa Ana, California, 92705.

On October 17, 2018, I caused to be served the foregoing **Request for Entry of Default, Declaration of Mathew K. Higbee, and Proposed Entry of Default** on all parties in this action by placing a true copy thereof enclosed in a sealed envelope as follows:

Eric Tran  
14572 Monroe Street  
Midway City, CA 92655

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by via the *CM/ECF* system. Participants in this case who are not registered with the *CM/ECF* system will be served by first-class mail or by other means permitted by the Court.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on October 17, 2018, at Santa Ana, California.

*/s/ Mathew K. Higbee*  
Mathew K. Higbee, Esq.  
*Counsel for Plaintiff*

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